

**CONFERENCE COMMITTEE REPORT
DIGEST FOR ESB 113**

Citations Affected: IC 36-10-3-4; IC 36-10-3-4.1.

Synopsis: Town park and recreation board membership. Conference committee report for ESB 113. Provides that the town legislative body (and not the town executive) appoints members of the town park and recreation board. Allows a town legislative body to waive the requirement that: (1) a town park and recreation board member be affiliated with a political party; and (2) not more than two of the four park and recreation board members be of the same political party. Provides that a town legislative body may waive the requirements by majority vote if there is an absence of persons who are willing to serve on the town park and recreation board and who would satisfy the requirements. **(This conference committee report removes: (1) a provision that requires certain real property under the control of the department of correction to be offered for conveyance to certain municipalities, park boards, and other political subdivisions in Madison County; and (2) references to city and town "park" boards.)**

Effective: July 1, 2007.

CONFERENCE COMMITTEE REPORT

MADAM PRESIDENT:

Your Conference Committee appointed to confer with a like committee from the House upon Engrossed House Amendments to Engrossed Senate Bill No. 113 respectfully reports that said two committees have conferred and agreed as follows to wit:

that the Senate recede from its dissent from all House amendments and that the Senate now concur in all House amendments to the bill and that the bill be further amended as follows:

- 1 Delete everything after the enacting clause and insert the following:
- 2 SECTION 1. IC 36-10-3-4 IS AMENDED TO READ AS
- 3 FOLLOWS [EFFECTIVE JULY 1, 2007]: Sec. 4. (a) A ~~municipal city~~
- 4 board consists of four (4) members to be appointed by the ~~city~~
- 5 executive. ~~of the municipality.~~ The members shall be appointed on the
- 6 basis of their interest in and knowledge of parks and recreation, but no
- 7 more than two (2) members may be affiliated with the same political
- 8 party. ~~Members of a town board must be residents of the district.~~ In
- 9 addition, the creating ordinance may provide for one (1) or two (2) ex
- 10 officio members, those being:
- 11 (1) a member
- 12 ~~(A)~~ of the governing body of the school corporation selected
- 13 by that body; ~~or~~
- 14 ~~(B)~~ designated by the governing body of the school
- 15 corporation if the board is in a town;
- 16 (2) a member of the governing body of the library district selected
- 17 by that body; or
- 18 (3) both **subdivisions** (1) and (2).
- 19 **(b) A town board consists of four (4) members to be appointed**
- 20 **by the town legislative body. The members shall be appointed on**
- 21 **the basis of their interest in and knowledge of parks and**
- 22 **recreation. Except as provided in section 4.1 of this chapter, not**

more than two (2) members may be affiliated with the same political party. Members of the board must be residents of the district. In addition, the creating ordinance may provide for one (1) or two (2) ex officio members, those being:

(1) a member:

(A) of the governing body of the school corporation selected by that body; or

(B) designated by the governing body of the school corporation;

(2) a member of the governing body of the library district selected by that body; or

(3) both subdivisions (1) and (2).

~~(b)~~ (c) A county board shall be appointed as follows:

(1) Two (2) members shall be appointed by the judge of the circuit court.

(2) One (1) member shall be appointed by the county executive.

(3) Two (2) members shall be appointed by the county fiscal body.

The members appointed under subdivisions (1), (2), and (3) shall be appointed on the basis of their interest in and knowledge of parks and recreation, but no more than one (1) member appointed under subdivisions (1) and (3) may be affiliated with the same political party. In a county having at least one (1) first or second class city, the creating ordinance must provide for one (1) ex officio board member to be appointed by the executive of that city. The member appointed by the city executive must be affiliated with a different political party than the member appointed by the county executive. However, if a county has more than one (1) such city, the executives of those cities shall agree on the member. The member serves for a term coterminous with the term of the appointing executive or executives.

~~(c)~~ (d) Ex officio members have all the rights of regular members, including the right to vote. A vacancy in an ex officio position shall be filled by the appointing authority.

~~(d)~~ (e) Neither a municipal executive nor a member of a county fiscal body, county executive, or municipal fiscal body may serve on a board.

~~(e)~~ (f) The creating ordinance in any county may provide for:

(1) the county cooperative extension coordinator;

(2) the county extension educator; or

(3) a member of the county extension committee selected by the committee;

to serve as an ex officio member of the county board, in addition to the members provided for under subsection ~~(b)~~ (c).

~~(f)~~ (g) The creating ordinance in a county having no first or second class cities may provide for a member of the county board to be selected by the board of supervisors of a soil and water conservation district in which a facility of the county board is located. The member selected under this subsection is in addition to the members provided for under subsections ~~(b)~~ (c) and ~~(e)~~ (f).

SECTION 2. IC 36-10-3-4.1 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY

1 1, 2007]: Sec. 4.1. A town legislative body may, by a majority vote,
2 waive any or all of the following requirements of a town board
3 member under section 4(b) of this chapter:
4 (1) The requirement that a member of the town board be
5 affiliated with a political party.
6 (2) The requirement that not more than two (2) of the four (4)
7 members of the town board be affiliated with the same
8 political party.
9 A town legislative body may vote for a waiver only if the waiver is
10 necessary due to the absence of persons who are willing to serve on
11 the town board and who satisfy any or all of the requirements.
(Reference is to ESB 113 as printed March 27, 2007.)

Conference Committee Report
on
Engrossed Senate Bill 113

Signed by:

Senator Gard
Chairperson

Representative Reske

Senator Hume

Representative Cherry

Senate Conferees

House Conferees